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September 7, 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

Re: MM Docket No. 93-180
RM-8237
KRJT-FM
Bowie, Texas

Dear Mr. Caton:

Transmitted herewith, on behalf of Bowie-Nocona Broadcasting Co., Inc., licensee of FM broadcast station KRJT-FM, Bowie, Texas, are an original and four (4) copies of its Reply Comments in the above-referenced rulemaking proceeding.

Should any questions arise concerning this matter, please communicate with this office.

Very truly yours,

FLETCHER, HEALD & HILDRETH

Anne Goodwin Crump
Anne Goodwin Crump
Counsel for Bowie-Nocona
Broadcasting Co., Inc.

Enclosures

cc: Michael C. Ruger, Esquire (with enclosure) **By Hand Delivery**
Jeffrey D. Southmayd, Esquire (with enclosure)

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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RECEIVED****SEP - 7 1993**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations,)
Bowie, Texas)MM Docket No. 93-180
RM-8237Directed to: Chief, Allocations Branch
Mass Media Bureau**REPLY COMMENTS**

Bowie-Nocona Broadcasting Co., Inc. ("Bowie-Nocona"), licensee of FM broadcast station KRJT-FM, Bowie, Texas, hereby respectfully submits its Reply Comments in response to the Notice of Proposed Rule Making, DA 93-722 ("NPRM"), released June 30, 1993, and the Comments of Central Oklahoma Radio Corporation ("CORC"), submitted August 23, 1993, in the above-captioned proceeding:

1. Station KRJT-FM, licensed to Bowie-Nocona, is presently allotted Channel 264C3 at Bowie. On May 28, 1993, Bowie-Nocona filed an application to upgrade Station KRJT-FM on this channel (FCC File No. BPH-930528IB). In the NPRM, the Commission proposes to substitute channel 264A for Channel 264C3. CORC is the licensee of FM broadcast station KFXT-FM, Sulphur, Oklahoma. It had requested this downgrade for Station KRJT-FM in order to accommodate an unacceptable application previously filed by CORC to implement an upgrade of its Station KFXT-FM to Class C2 status.

2. Even in its Comments on the NPRM, however, CORC has

failed to demonstrate why a downgrade of Station KRJT-FM is required to implement its own upgrade. CORC was the proponent of the proposed downgrade. The NPRM was adopted in response to CORC's Petition for Rulemaking and provided CORC with an opportunity to submit comments to demonstrate any public interest benefits that would result from its proposal. At that time, CORC also had the chance to compare the merits of its proposal to downgrade Station KRJT-FM's allotment with the benefits of Bowie-Nocona's upgrade application. CORC chose not to address this issue, however. The Commission, on the other hand, is required to consider the issue pursuant to the policy set forth in Conflicts Between Applications and Petitions for Rulemaking to Amend the FM Table of Allotments, 7 FCC Rcd 4917 (1992), reconsidered in part, FCC 93-339, released July 13, 1993.

3. The sole choice before the Commission is whether KRJT-FM should be limited to its current service area or improved to increase its service area. No other proposal is before the Commission in this proceeding. Most significantly, CORC's upgrade to Class C2 status is not at issue in this rulemaking proceeding. As set forth in Bowie-Nocona's Comments, both CORC and the Commission have previously determined that CORC's KFXT-FM can be upgraded to Class C2 status at its current transmitter site, with no need for any other change to the Table of Allotments. CORC has offered no explanation whatsoever of why it now believes that the allotment for Station KRJT-FM should be downgraded in order to accommodate CORC's upgrade. CORC did not

even address the issue of what, if any, public interest benefits would be realized by this change.


4. The only possible public interest factor even alluded to in CORC's comments is its ability to move to a "tower farm" if the proposed downgrade is approved. CORC already has an existing tower, however. It currently operates from this tower, and it has represented to the Commission that it can implement its upgrade at the same tower site. Given these circumstances, CORC has not explained why it is now necessary to move from its existing tower site to another existing tower site.

5. In sum, it is obvious that Bowie-Nocona's proposed operation of Station KRJT-FM on Channel 264C3 will allow it to provide greater service than it could provide if downgraded to Class A status. As CORC itself has indicated, KJRT-FM's Class C3 operation would have no impact on CORC's ability to upgrade to Class C2 status, as CORC can implement its Class C2 upgrade from its current site, which would not require a downgrade of KRJT-FM's allotment. Clearly, the public will receive greater benefits from an upgraded service, rather than a downgraded service from Station KRJT-FM.

WHEREFORE, for the foregoing reasons, it is respectfully requested that the Commission reconsider and abandon its proposal to downgrade KRJT-FM.

Respectfully submitted,

BOWIE-NOCONA BROADCASTING CO., INC.

By: 
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Its Attorneys

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September 7, 1993

CERTIFICATE OF SERVICE

I, Mary A. Haller, a secretary in the law firm of Fletcher, Heald & Hildreth, do hereby certify that true copies of the foregoing "Reply Comments" were sent this 7th day of September, 1993, by first-class United States mail, postage prepaid, to the following:

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*BY HAND

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